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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3683 OF 2007

Bandu Anna Dandage .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.Jaydeep D.Mane for the applicant.

Ms.Rajeshree M. Gadhvi APP for the state.

CORAM : D.G.KARNIK, J

DATED : 14th December 2007

P.C.:

1. By this application under section 439 of the Code of Criminal Procedure, the petitioner seeks bail in connection with offences registered against him under C.R. No.183 of 2007 with Pandharpur Taluka police station punishable under section 398-A, 306 r/w sec.34 of the IPC.

2. Petitioner is the accused no.2. The mother

in law of the deceased is accused no.1. According to the FIR lodged by the mother of the deceased, the deceased had told her that accused nos.1 and 2 were having illicit relations. As this became known to the deceased, the accused no.1 was harassing and causing cruelty to the deceased. On account of the harassment and cruelty meted out to the deceased by the accused no.1, the deceased committed suicide.

3. It may be noted that the allegation against the petitioner is that he had illicit relationship with the accused no.1 mother in law of the deceased. Since the petitioner is not the relative and is not shown to have demanded any dowry from the deceased, presumption under section 113-B of the Evidence Act prima facie is not applicable qua the deceased. Except for one line in the FIR, there is no allegation of harassment at the instance of the petitioner.

4. The petitioner is in jail for more than four months since 10th August 2007. Though the charge-sheet has been filed and investigation is completed, trial is not likely to commence soon. Therefore, taking an overall view of the matter and in particular taking into consideration that the petitioner is not a relative of the husband of the

deceased, but is alleged to be a paramour of the mother in law of the deceased and that there are no specific allegations of cruelty or harassment against him and also taking into consideration that trial would take number of years, in my view, the petitioner is entitled to a bail. Hence, I pass the following order:-

O R D E R

. Petitioner be released on bail on personal bond of Rs.25,000/- with two sureties of the like amount subject to the following conditions:-

i) Petitioner shall not make any inducement or threats to any of the prosecution witness.

ii) The petitioner shall not otherwise tamper with the prosecution evidence.

iii) Petitioner shall attend the concerned police station once a month between 1st and 5th of British Calendar month.

(D.G. KARNIK, J)